

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

MILDRED L. SAUER)	
Claimant)	
VS.)	
)	Docket No. 207,154
RUSH COUNTY MEMORIAL HOSPITAL)	
Respondent)	
AND)	
)	
KANSAS HOSPITAL ASSOCIATION WCF INC.)	
Insurance Carrier)	
AND)	
)	
KANSAS WORKERS COMPENSATION FUND)	

ORDER

Respondent and its insurance carrier appeal from a December 16, 1996 Award entered by Administrative Law Judge Bruce E. Moore.

APPEARANCES

Claimant having settled her claim with respondent did not appear. Respondent and its insurance carrier appeared by their attorney, Jerry M. Ward of Great Bend, Kansas. The Workers Compensation Fund appeared by its attorney, Gail L. Carpenter of Great Bend, Kansas.

RECORD AND STIPULATIONS

The Appeals Board has considered the record and adopts the stipulations listed in the Award by the Administrative Law Judge.

ISSUES

The Award entered by the Administrative Law Judge found the Fund had no liability for this claim based upon a finding that respondent had not met its burden of proving that claimant had a second accident by a series of injuries. Respondent appeals that finding. The issues for determination by the Appeals Board are:

- (1) Whether Claimant, subsequent to January 7, 1993, suffered a series of injuries to her left shoulder resulting in the surgery performed on April 5, 1994, the temporary total, and the 20 percent impairment of function.
- (2) What is the nature and extent of the Workers Compensation Fund's liability, if any?

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Having reviewed the entire record and having considered the briefs of the parties, the Appeals Board finds that the Award entered by the Administrative Law Judge should be affirmed.

The Award of the Administrative Law Judge sets out his findings of fact and conclusions of law in some detail and it is not necessary to repeat those herein. The Appeals Board finds them to be accurate and appropriate, and it adopts the findings and conclusions of the Administrative Law Judge as its own as if specifically set forth herein. Specifically, the Appeals Board agrees that respondent has not sustained its burden of proof that claimant suffered a second accident. That conclusion having been reached, liability against the Fund is denied.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge Bruce E. Moore dated December 16, 1996 should be, and hereby is, affirmed in all respects, and the orders contained in the Award are hereby adopted by the Appeals Board as its own.

IT IS SO ORDERED.

Dated this ____ day of April 1997.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Jerry M. Ward, Great Bend, KS
Gail L. Carpenter, Great Bend, KS
Bruce E. Moore, Administrative Law Judge

MILDRED L. SAUER

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Philip S. Harness, Director